

REMARKS

Claim rejections 35 USC §103

Claims 1 and 8-10 are rejected over Lundin in view of Lanzavecchia. As discussed below, the applicant respectfully traverses the rejections.

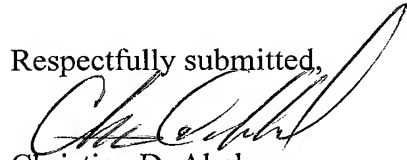
Claim 1 of the present application contains the limitation of a “rigid” pipe of variable length. The term “rigid” is defined in the specification at page 1, lines 26-34 as meaning a pipe of half-cylindrical elements that will not come apart or be deformed under load. It is respectfully submitted that the elongated sleeve of Lundin, being comprised of two flexible, elastically-deformable bands, is not “rigid” as used in the present invention. This is not surprising as the device from Lundin has an entirely different purpose than the present invention.

Secondly, the applicant believes that the examiner has misinterpreted the disclosure of the secondary reference. Lanzavecchia does not disclose two chains of articulated segments joined by hinges. Each “side” of the elongated structure in Lanzavecchia is comprised of discrete rectangular links that are specifically NOT joined to each other. Each link has a male structure at one end and a female structure at the other end, as described at page 1, lines 18 -26. The male structure of one link is inserted into the female structure of the adjacent segment as the device is progressively assembled. In addition, the combined halves form a supporting structure, and not a pipe or conduit.

In light of the above, it is believed that the claimed invention is not obvious in light of the cited art. The very essence of the invention in Lundin is that the sleeve is formed from two flexible bands that can be elastically deformed from a relatively flat, rolled state to a convex shape. Changing Lundin in the manner suggested by the examiner would thus make Lundin inoperable for its intended purpose. The combination suggested by the examiner is therefore not merely a modification of Lundin, but the transformation of Lundin into something that would not function in the manner intended by Lundin, nor solve the same problem Lundin addresses. It is therefore respectfully believed that one skilled in the art would not be motivated to modify Lundin as suggested by the examiner. That motivation appears to be improperly the product of hindsight deriving from the present invention itself.

For the reasons cited above, the applicant request reconsideration of the grounds for rejection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christian D. Abel', written over the printed name.

Christian D. Abel

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